

Response to final Office Action  
Serial No. 09/857,332  
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### LISTING OF CLAIMS

Claims 1-32 (Previously cancelled)

33. (Currently amended) A method of treating cancer in an animal or a human having the cancer comprising:

(a) ~~administration of~~ administering at the cancer in the animal or the human having the cancer a composition comprising *Mycobacterium phlei* (*M.phlei*)-DNA complexed on *Mycobacterium phlei* cell wall (MCC) and a pharmaceutically acceptable carrier; and

(b) ~~administration of~~ administering a chemotherapeutic agent to ~~an~~ the animal or a the human having the cancer, wherein the composition and the chemotherapeutic agent administered to the animal or the human having the cancer display an anti-cancer synergism.

34. (Previously added) The method of Claim 33, wherein the anti-cancer synergism is potentiation.

35. (Previously added) The method of Claim 33, wherein the composition induces cell cycle arrest in cells of the cancer, inhibits proliferation of cells of the cancer, induces apoptosis in cells of the cancer, or synchronizes cell cycles of cells of the cancer.

36. (Previously added) The method of Claim 33, wherein the cancer is leukemia, lymphoma or melanoma.

37. (Previously added) The method of Claim 33, wherein cells of the cancer display resistance against one or more chemotherapeutic agents.

38. (Previously added) The method of Claim 33, wherein the chemotherapeutic agent is administered before, after, or concurrently with the administration of the composition.

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